



## DETAILED ACTION

### *Claim Objections*

1. The claim is objected to because of the following informalities:
  - a. The claim should be numbered as claim 1 and any additional claims which are added should be numbered consecutively.
  - b. Further, the claim page should be at the end of the specification. Currently the claim page is page "6" between the Brief description of the drawings (page 5) and the abstract (page 8). It is noted that there is no page 7 present in the file.

### *Specification*

2. The specification is objected to because the section titled "Brief Description of the Drawings" does not include an actual brief description of the several views of the drawings. Each figure submitted as a drawing should be listed and briefly described. See MPEP 608.01(f) and 37 CFR 1.74.
3. The following is the recommended content and orientation of a specification
  - (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
  - (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
  - (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
  - (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e)

and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or

processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

#### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The claim (claim 1) is rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The claim (claim 1) recites “The Pamela Horse is a decorative piece that is made up of recycled wire, paper, rebar, pvc pipe to build the frame, dowl, [sic] sticks, cloth yarn, and paint”.

These limitations make the claim indefinite within the meaning of 35 U.S.C. 112 second

paragraph since it is unclear how the limitations “recycled wire, paper, rebar, pvc pipe” are used to build the “frame, dowl [sic], sticks, cloth yarn, and paint”. Further, the claim is indefinite because it is unclear if the materials recited in the claim are being claimed in the alternative. Does applicant mean to claim that the decorative piece is may be “made up” of any or all of the claimed materials or that all of the materials must be included as part of the decorative piece. Consequently, it is unclear as to the scope of protection being sought by applicant.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. The claim (claim 1) is rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 2,812,616 (Ford).

Ford teaches a decorative toy animal wherein the frame is made of wooden rods entrained with wire tightly wound around the rod and adorned with pompons made of yarn (see col. 1 and 2 and Figures 1-7).

9. The claim 1 (claim 1) is rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 5,981,005 (Schieiss).

Schieiss teaches a decorative animal made of pipe cleaner (lined wire) and folded carpet (col. 1 and col. 2 and Figures 1 and 2).

10. The Claim (claim 1) is rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 4,123,872 (Silva).

Silva teaches a decorative toy figure made of pliable wire, paper and yarn (See abstract and Figures 2 and 5A).

*Conclusion*

11. While the examiner invites this pro se applicant to contact him in order to assist the applicant in the prosecution of the application, the examiner strenuously recommends that the applicant seek the assistance of a licensed patent attorney or patent agent to help applicant with the prosecution of the application.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Stein whose telephone number is 572-272-1544. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m. If the attempts to reach the examiner are unsuccessful, the examiner's supervisor, Deborah Jones can be reached by dialing 571-272-1535. The official fax number is 703-872-9306.

March 3, 2004

  
Stephen J. Stein  
Primary Examiner  
Art Unit 1775